

243.155 Business authorized by small winery license -- Off-premise retail sales outlet in wet territory -- Use of Kentucky products -- Other permitted licenses. (Effective until January 1, 2007)

- (1) A small winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each off-premises retail site shall be separately licensed:
 - (a) Manufacture wines and bottle wines produced by that small winery in an amount not to exceed fifty thousand (50,000) gallons in one (1) year;
 - (b) Serve on the premises or at off-premise retail sites complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day, if the small winery or off-premise retail site is located in wet territory;
 - (c) Sell by the drink or by the package on premises, at off-premise retail sites, and at fairs, festivals, and other similar types of events, wine produced on the premises of the small winery or produced by a licensed farm winery, at retail to consumers if all sales sites are located in wet territory;
 - (d) Sell and transport wine produced on the premises of the small winery to wholesale license holders and to retail package or retail drink license holders, if the wine has been offered for sale to wholesale license holders and the wine is sold at the wholesale price to the retail package or retail drink license holders;
 - (e) Consume on the premises wine produced by the small winery or a licensed farm winery and purchased by the drink or by the package at the licensed premises, if the small winery is located in wet territory; and
 - (f) Ship to a customer wine produced by a small winery or a farm winery if:
 1. The wine is purchased by the customer in person at the small winery;
 2. The wine is shipped by licensed common carrier; and
 3. The amount of wine shipped is limited to two (2) cases per customer.
- (2) In accordance with administrative regulations promulgated by the board, the holder of a small winery license or farm winery license, upon affidavit filed with the board that grapes, grape juice, other fruits, other fruit juices, or honey produced in Kentucky are not obtainable, may apply for a permit to import these products. The burden of proof shall be upon the applicant to show that the grapes, grape juice, other fruits, other fruit juices, or honey are not available from any other source within the Commonwealth of Kentucky.
- (3) If a licensed small winery is located in a dry territory, KRS 242.230 to 242.430 shall apply, unless a local option election is held in accordance with the provisions of this subsection. A limited sale precinct election may be held in a precinct containing a licensed small winery in a dry territory. The election shall be held in the same manner as prescribed by KRS 242.010 to 242.040 and 242.060 to 242.120. The proposition to be voted on shall state, "Are you in favor of the sale of wine at the (name of the licensed small winery or wineries)?" If the proposition is approved, a small winery within the precinct may sell wine in accordance with subsection (1) of this section.

- (4) Other provisions of this chapter and KRS Chapter 244 notwithstanding, a small winery license holder may also hold a restaurant wine license and a retail malt beverage license, provided the issuance of these licenses is in connection with the establishment and operation of a restaurant, hotel, inn, bed and breakfast, conference center, or any similar business enterprise the purpose of which is to promote viticulture, enology, and tourism. The retail malt beverage license issued under this subsection shall limit the licensee to the sale of malt beverages for consumption on the premises only.
- (5) This section shall not exempt the holder of a small winery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from the administrative regulations of the board, nor from regulation by the board at all premises licensed by the small winery, except as expressly stated in this section.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 142, sec. 1, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 167, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 357, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 148, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 451, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 54, sec. 5, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 433, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 244, sec. 2, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 381, sec. 2.

243.155 Small farm winery license -- Eligibility and application process -- Business authorized by license -- Off-premise retail sales outlet in wet territory -- Use of Kentucky products -- Other permitted licenses -- Application to persons previously licensed as small or farm wineries. (Effective January 1, 2007)

- (1) Any in-state or out-of-state small farm winery may apply for a small farm winery license. In addition to all other licensing requirements, an applicant for a small farm winery license shall submit with its application a copy of the small farm winery's federal basic permit and proof documenting its annual wine production. An out-of-state winery shall submit additional documentation evidencing its resident state. As part of the application process, an out-of-state winery shall publish its notice of intent, as required by KRS 243.360, in the Kentucky newspaper of highest circulation. The office shall promulgate administrative regulations establishing the form the documentation of proof of production shall take.
- (2) A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed:
 - (a) Manufacture wines and bottle wines produced by that small farm winery;
 - (b) Bottle wines produced by another small farm winery;
 - (c) Serve on the premises or at small farm winery off-premise retail sites complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day, if the small farm winery or its off-premise retail site is located in wet territory;
 - (d) Sell by the drink or by the package on premises, at small farm winery off-premise retail sites, and at fairs, festivals, and other similar types of events,

wine produced on the premises of the small farm winery or produced by a licensed small farm winery, at retail to consumers if all sales sites are located in wet territory;

- (e) Sell and transport wine produced on the premises of the small farm winery to wholesale license holders and small farm winery license holders;
 - (f) Consume on the premises wine produced by the small farm winery or a licensed small farm winery and purchased by the drink or by the package at the licensed premises, if the small farm winery is located in wet territory; and
 - (g) Ship to a customer wine produced by a small farm winery if:
 - 1. The wine is purchased by the customer in person at the small farm winery;
 - 2. The wine is shipped by licensed common carrier; and
 - 3. The amount of wine shipped is limited to two (2) cases per customer per visit.
- (3) If a licensed small farm winery is located in a dry territory, KRS 242.230 to 242.430 shall apply, unless a local option election is held in accordance with the provisions of this subsection. A limited sale precinct election may be held in a precinct containing a licensed small farm winery or a proposed small farm winery located in a dry territory. The election shall be held in the same manner as prescribed by KRS 242.010 to 242.040 and 242.060 to 242.120. If the precinct contains a licensed small farm winery, the proposition to be voted on shall state, "Are you in favor of the sale of wine at the (name of the licensed small farm winery or wineries)?" If the precinct contains a proposed small farm winery or wineries, the proposition voted on shall state, "Are you in favor of the sale of wine at the (name of the proposed small farm winery or wineries)?" If the proposition is approved, a licensed small farm winery within the precinct may sell wine in accordance with subsection (2) of this section.
- (4) Other provisions of this chapter and KRS Chapter 244 notwithstanding, a small farm winery license holder may also hold a restaurant wine license and a retail malt beverage license, provided the issuance of these licenses is in connection with the establishment and operation of a restaurant, hotel, inn, bed and breakfast, conference center, or any similar business enterprise the purpose of which is to promote viticulture, enology, and tourism. The retail malt beverage license issued under this subsection shall limit the licensee to the sale of malt beverages for consumption on the premises only.
- (5) This section shall not exempt the holder of a small farm winery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from the administrative regulations of the board, nor from regulation by the board at all premises licensed by the small farm winery, except as expressly stated in this section.
- (6) Nothing contained in this section shall exempt a licensed out-of-state winery from obeying the laws of its resident state.
- (7) Any person previously licensed as a small or farm winery under this chapter prior to January 1, 2007, shall hereby be authorized to conduct business as a small farm

winery licensee, until such time as the term of his or her small or farm winery license expires. Upon the expiration of the term remaining on his or her small or farm winery license, a licensee who is in good standing shall be issued a small farm winery license as part of the renewal process after he or she submits to the office the winery's federal basic permit and proof of its annual wine production.

Effective: January 1, 2007

History: Amended 2006 Ky. Acts ch. 179, sec. 1, effective January 1, 2007. -- Amended 2005 Ky. Acts ch. 142, sec. 1, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 167, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 357, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 148, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 451, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 54, sec. 5, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 433, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 244, sec. 2, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 381, sec. 2.